

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WELLS FARGO BANK, N.A.,
AS TRUSTEE FOR THE REGISTERED
HOLDERS OF BANC OF AMERICA
COMMERCIAL MORTGAGE INC.,
COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2004-5,

Plaintiff,

vs.

DANIEL J. ELEFANTE and THEODORE
H. TOCH,

Defendants.

Case No. 2:12-cv-01521-RCJ-CWH

ORDER

This matter is before the Court on Defendants' Demand for Cost Bond (#6), filed September 17, 2012.

Defendants seek an order requiring Plaintiff to post a non-resident cost bond pursuant to Nevada Revised Statutes ("NRS") 18.130. The Federal Rules of Civil Procedure do not contain a provision relating to security of costs. Nevertheless, it has long been the policy of the United States District Court for the District of Nevada to enforce the requirements of NRS 18.130. *Feagins v. Trump Organization*, 2012 WL 925027 (D. Nev.) (citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-06 (D. Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F. Supp 1148, 1149 (D. Nev. 1986)). The requirement to provide security in the amount of \$500 per defendant applies to each plaintiff, unless the plaintiff can demonstrate indigence. *See Truck Ins. Exchange v. Tetzlaff*, 683 F. Supp. 223, 227 (D. Nev. 1988) (citing *Arrambide*, 647 F. Supp. 1148-49). Here, Plaintiff filed an adequate security bond in response to Defendants' motion. *See* Pl.'s Notice of Posting Security for Costs (#10). Consequently, the Court finds that Defendants' request, though appropriate, is now moot.

1 Based on the foregoing and good cause appearing therefore,

2 **IT IS HEREBY ORDERED** that Defendants' Demand for Cost Bond (#6) is **denied as**
3 **moot.**

4 DATED this 19th day of September, 2012.

5
6
7 
8 **C.W. Hoffman, Jr.**
9 **United States Magistrate Judge**
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28